

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE LONDON,

Petitioner,

No. CIV S-03-0175 RRB KJM P

vs.

A.A. LAMARQUE,

Respondent.

ORDER

Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of this court's June 2, 2006 denial of his application for a writ of habeas corpus. Before petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues satisfy the required showing or must state the reasons why such a certificate should not issue. Fed. R. App. P. 22(b).

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1 For the reasons set forth in the magistrate judge's January 27, 2006 findings and
2 recommendations, and this court's June 2, 2006 order, petitioner has not made a substantial
3 showing of the denial of a constitutional right. Accordingly, a certificate of appealability should
4 not issue in this action.

5 IT IS SO ORDERED.

6 DATED: October 27, 2006

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9 UNITED STATES DISTRICT JUDGE

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